

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

DENISE NIXON,

Plaintiff

v.

WENDY NICHOLAS, WILLIAM FRANTZ,
MIKE MINIQ, E. STEVENS,
JOHN/JANE DOE,

Defendants

Civil No. 3:22-cv-1999

(Judge Mariani)

FILED
SCRANTON

MAR 03 2023

PER


DEPUTY CLERK

ORDER

AND NOW, this 3rd day of March, 2023, upon consideration of Plaintiff's motion (Doc. 14) to appoint counsel, and upon review of the factors the Court should consider when determining whether to appoint counsel for a *pro se* plaintiff¹, and it appearing, at this early juncture in the proceedings, that Plaintiff is capable of properly and forcefully prosecuting her claims, and it being well-established that indigent civil litigants possess neither a constitutional nor a statutory right to appointed counsel in a civil case, see *Montgomery v. Pinchak*, 294 F.3d 492, 498 (3d Cir. 2002); *Parham v. Johnson*, 126 F.3d 454, 456-57 (3d Cir. 1997); *Tabron v. Grace*, 6 F.3d 147, 153-54 (3d Cir. 1993), and that

¹ Pursuant to *Tabron*, 6 F.3d at 155, the Court should consider the litigant's ability to proceed *pro se* in light of a number of non-exhaustive factors, including: (1) the plaintiff's ability to present his or her case; (2) the complexity of the particular legal issues; (3) the degree to which factual investigation is required and the ability of the plaintiff to pursue such investigation; (4) the amount a case is likely to turn on credibility determinations; (5) whether the case will require testimony from expert witnesses; and (6) the plaintiff's ability to retain and afford counsel on his or her own behalf. *Montgomery*, 294 F.3d at 498-99; *Parham*, 126 F.3d at 457-58; *Tabron*, 6 F.3d at 155-57.

district courts have broad discretion to determine whether to appoint counsel under 28 U.S.C. § 1915, **IT IS HEREBY ORDERED** that Plaintiff's motion (Doc. 14) to appoint counsel is **DENIED**. If further proceedings demonstrate the need for counsel, the matter will be reconsidered either *sua sponte* or upon motion of Plaintiff.

A handwritten signature in black ink, appearing to read "Robert D. Mariani", is written over a horizontal line.

Robert D. Mariani
United States District Judge